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SUBJECT: UAE DRAFT PRESS LAW HEADLINES AT FEDERAL NATIONAL COUNCIL

REF: A) 08 ABU DHABI 1125, B) 08 ABU DHABI 1068

¶1. (SBU) Summary: After lengthy delays and multiple appeals from journalists for the Federal National Council (FNC) to discuss the draft press law (ref B), the FNC took up the issue January 20 and forwarded the law for Cabinet consideration (the FNC's role is consultative, not legislative, so its approval is not mandatory and further amendments may or may not be referred back to it). While the law helpfully eliminates prison terms as a punishment for infractions, it apparently does little to expand public discourse by nurturing a more mature and responsible press and has left journalists concerned about the degree of latitude left to the government to decide what is and is not a transgression of the law. End summary.

The FNC deliberates media rules

¶2. (U) In a January 20 session featuring passage of the draft press law, the UAE Federal National Council (FNC) hosted five ministers (Interior, FNC Affairs, Health, Labor, and Water/Environment) in addition to a number of Emirati journalists and Chairman of the Journalists Association Mohammad Youssef. (Minister of Labor Saqr Ghubash also serves as National Media Council Chairman.) The draft law (text not available) was discussed in some detail and forwarded to the Cabinet for consideration -- following which it will require endorsement by the Supreme Council (rulers of the seven Emirates) and signature by the President.

¶3. (U) The law, as characterized by FNC Chair of the Committee for Education, Media, Culture, and Youth Affairs:
-- includes 7 chapters divided into 45 articles (compared to 108 articles in the current law) focusing on basic regulations;
-- stresses article 30 of the constitution which guarantees the freedom of opinion and expression within the limits of the law,
-- removes "imprisonment" as a penalty for press-related crimes;
and
-- attempts to open the door to a new era of media empowerment and balance between public and personal freedoms.

¶4. (U) In lieu of imprisonment, journalists and media officials will reportedly be subject to fines ranging from AED 500,000 (USD 136,000) to AED 5 million (USD 1,362,000) in cases of defamation of the President, Vice President, Supreme Council members, crown princes, or deputy rulers. Media which damages the reputation of the UAE, its foreign relations or its national identity, or publishes material that harms the national economy, can be fined and/or banned (and journalists involved deported) if false information is "knowingly" printed, with fines ranging from AED 100,000 (USD 27,000) to AED 500,000 (USD 136,000). Licenses may be revoked for repeat violations. The law apparently requires media outlets to publish free of charge whatever the government requests of them in times of calamity or crisis. Reports note that article 39 of the proposed law also gives the National Media Council jurisdiction to ban certain books and publications (without mentioning a transparent process for doing so). The draft reportedly states that owners of all newspapers and their editors-in-chief must be suitably qualified and experienced Emirati

citizens with no criminal record.

¶15. (U) Journalists, harboring some skepticism, initially tried to postpone discussion of the draft law until they could meet with the National Media Council Chairman; they were reminded that the Chairman had met with some journalists and that the agenda item must be addressed by the FNC as planned. During the course of discussions, FNC members insisted that an article be added (in response to demands from the Journalists' Association) stipulating that "no journalist can be forced to give up his sources." Some also wanted the law to refer specifically to the Prime Minister's decree that explicitly bans imprisonment for journalists doing their job. Discussion ensued during the session about censorship, which is apparently referred to in the context of banning "prior censorship," which raised questions about censorship after publication. NMC Chairman Ghubash simply answered that there would be punishment for violations of law (rather than censorship before the fact).

Experts comment in the press

¶16. (U) Journalists Association Chairman Mohammad Youssef told Emarat Al Youm (local Arabic daily) on January 22 that the draft law came as a shock to journalists in the country, was somewhat vague, and mixed issues of journalism and media licensing regulations. He said the draft law does not meet minimum demands expressed by journalists for some years, nor does it match the political rhetoric of UAEG leaders about empowering a responsible press. He also noted that 10 out of 45 articles talk about penalties and punishments.

¶17. (U) According to media professor Aisha Al Nuaimi in a Gulf News
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(English daily) editorial on January 17 ("Media Law Should Reflect Changing Times"), the new draft aims at achieving the federal government's strategic plan to use a diverse and active media to project a positive image of the UAE and its achievements. However, after a long wait, the new law emerged below expectations, and represents a step backward for the UAE media. She commented after the FNC session that "the FNC has failed to protect journalists" by approving the law. She also wondered why the ban on jail terms for journalists was not explicitly included in the new law as the Prime Minister ordered last year.

¶18. (U) Even semi-official (and Abu Dhabi government owned) English daily The National has highlighted the issue and expressed concerns. The January 25 National featured a front page article highlighting promises from the National Media Council to attempt to address problems with an appendix spelling out regulations. Editor-in-Chief Martin Newland was quoted only last week in a Gulf News analysis of UAE media, expressing concerns that some of the law's more vague provisions raise liability concerns and worries for journalists and editors that could chill expression.

Contacts complain of "vagueness" in the law,
which constitutes a setback for journalists

¶19. (U) Reaction from journalists themselves has been uniformly negative and disappointed. Aisha Sultan wrote in her daily column in Al-Ittihad (government affiliated Arabic daily) on January 24: "I am shocked that the FNC has ratified this draft law.... We have been expecting for years a law that lifts the freedom ceiling of our media, eliminates obstacles to establishing new newspapers and publications, and, above all, maintains freedom of expression...this law does not give us this historical opportunity. We are not against a law as a regulatory mechanism and a reference; but we are against a draft law that obstructs instead of regulates, tightens constraints instead of alleviating them, and simultaneously opens [us] to attacks from international organizations interested in human rights, especially press rights."

¶10. (SBU) Muhammad Yousuf, Chairman of the UAE Journalist Association, described the draft law to Post as "a shock to the UAE press community; it will never replace the 1980 law simply due to

its lack of clarity and its confusion between press activities and media licensing regulations." Yousuf reiterated that "the law does not even meet our minimum demands," but noted that the Association is "in continuous dialogue with the authorities" and hopes to reach a breakthrough to satisfy both parties by meeting somewhere in the middle. He asserted that many controversial points in the law must be "reconsidered, such as stopping a newspaper for as long as a year", which would constitute collective punishment of newspaper owners, staff, contributing journalists, and readers. He concluded that "we do not oppose being accountable for what we do, nor to be sued in front of courts; but the punishment must be in line with the act," and should include less drastic options such as issuing a correction or apology, or making compensation.

¶11. (SBU) Abdulhamid Ahmad, Editor-in-chief of the English daily "Gulf News," notes that omitting mention of the ban on imprisonment of journalists promulgated by Vice President and Prime Minister Sheikh Mohammed bin Rashid makes the new law awkward; it "does not fit, and in all honesty the old law that regulates media and publications was far better." He blames the National Media Council for allowing lawyers from Egypt and Jordan to take charge of reviewing the proposed amendments made by the Journalist Association. He openly wondered why the UAE is a leader in so many areas but not in media regulation.

¶12. (SBU) Muna Busamra, Secretary-General of the Journalist Association and Head of Activities at the Dubai Press Club, gave one of the more blunt assessments of the new draft law: "it really sucks, and does not give the vibrant media community in the UAE any gains." She added that "all members of the media community were expecting significant breakthrough" in the law in light of many remarks made by the UAE leadership, and that the draft submitted for FNC discussion was a disappointment that "slapped us in the face."

¶13. (SBU) Comment: The original impetus to redraft the law represented an apparent willingness and desire within society and some parts of the UAE leadership to move cautiously toward nurturing the modern, responsible press that is vital to creating the vibrant modern society the UAE seeks to be. The decriminalization of press law violations (removing reference to imprisonment) is clearly a step in the right direction. In addition, training programs can improve technical skills and a robust economy can keep many presses active, adding to the breadth of a dynamic press environment. Nonetheless, it appears that not everyone is as forward leaning, and at least some in the UAEG are not yet ready to allow the level of journalistic latitude and freedom of expression that motivates the heart of an inquisitive media corps. End comment.

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